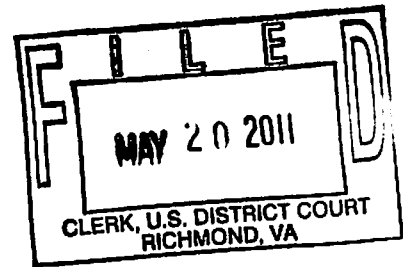


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



ARTHUR O. ARMSTRONG,

Plaintiff,

v.

Civil Action No. 3:10cv802

COMMONWEALTH OF VIRGINIA,  
et al.,

Defendants.

ORDER

Having reviewed all of the pleadings in this action and the REPORT AND RECOMMENDATION (Docket No. 36) submitted by the Magistrate Judge, and having considered the PLAINTIFF'S MOTION FOR LEAVE TO FILE MOTION IN RESPONSE AND IN OPPOSITION TO DEFENDANT'S REPORT AND RECOMMENDATION WITH SUPPORTING AFFIDAVIT AND DOCUMENTATION (BRIEF II) (Docket No. 38), and having considered the adequate notice to the plaintiff on page 15 of the REPORT AND RECOMMENDATION that any objections must be filed within fourteen days of the date of REPORT AND RECOMMENDATION, and viewing the plaintiff's submission (Docket No. 38) as a delaying tactic, and finding that the plaintiff has violated the injunction Order entered against him by the United States District Court for the Eastern District of Pennsylvania in Armstrong v. School District of Philadelphia, No. 99-0825, 1999 U.S. Dist. LEXIS 14918, at \*9 (E.D. Pa. Sept. 29, 1999) (the "E.D.P.A. Injunction") and the injunction issued by the United States District Court for the Middle District

of North Carolina, as amended by the United States Court of Appeals for the Fourth Circuit and therein affirmed in Armstrong v. Koury Corp., Nos. 99-2511, 99-2512, slip op. at 3 (4th Cir. April 10, 2000) in that Armstrong did not submit the Complaint in this case to the United States District Court for the Eastern District of Pennsylvania for pre-filing review or to this Court for pre-filing review; and further finding that, in this Complaint, Armstrong alleges virtually the same kind of claim as he has filed, and had dismissed, in other jurisdictions, e.g. Armstrong v. City of Durham, No. 1:09cv15 (M.D.N.C. filed January 6, 2009) and Armstrong v. City of Knightdale, No. 5:9cv56-BR (E.D.N.C. filed January 15, 2009); and further finding to be correct the opinion of the Magistrate Judge that the Complaint in this case is conclusory and does not satisfy the plausibility or the standards set by Bell Atlantic v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009), and considering that, already in the filings made by Armstrong in this Court, there is a needless proliferation of motions and other papers which, upon examination, appear to be frivolous and have been interposed for the purpose of harassment and vexation, it is hereby ORDERED that the REPORT AND RECOMMENDATION (Docket No. 36) is adopted and that this action is dismissed with prejudice.

Further, in view of the decision to dismiss the case in its entirety, it is further ORDERED that all of the pending motions

filed by the plaintiff are denied as moot (Docket Nos. 16, 17, 21, 22, 23, 25, 26, 27, 28, 31, 32, 34, 35, 37, 40, 41, 42, 43, and 44) and COMMONWEALTH OF VIRGINIA AND ATTORNEY GENERAL KENNETH T. CUCCINELLI'S SECOND MOTION TO DISMISS (Docket No. 13) is denied as moot.

This Order may be appealed by the plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order to counsel for the defendants and the plaintiff.

It is so ORDERED.

\_\_\_\_\_/s/ REP  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: May 20, 2011